

BEFORE  
THE PUBLIC SERVICE COMMISSION OF  
SOUTH CAROLINA  
DOCKET NO. 2003-141-C - ORDER NO. 2003-319  
MAY 12, 2003

IN RE: Petition for Arbitration of ITC^DeltaCom	)	ORDER ESTABLISHING
Communications, Inc. with BellSouth	)	ARBITRATION PLAN
Telecommunications, Inc. Pursuant to the	)	AND SCHEDULE
Telecommunications Act of 1996.	)	

This matter comes before the Public Service Commission of South Carolina ("Commission") on a Petition for Arbitration filed by ITC^DeltaCom Communications, Inc. d/b/a ITC^DeltaCom ("ITC^DeltaCom") on April 25, 2003, involving it and BellSouth Telecommunications, Inc. ("BellSouth") (collectively referred to as the "Parties"). The Petition was filed pursuant to Section 252(b) of the Telecommunications Act of 1996 ("1996 Act"). By its Petition, ITC^DeltaCom requests the Commission to arbitrate certain unresolved issues related to the interconnection negotiations between ITC^DeltaCom and BellSouth. ITC^DeltaCom further requests the Commission to conduct an evidentiary hearing concerning the unresolved issues of the interconnection negotiations between the Parties and that ITC^DeltaCom be granted the right to conduct discovery on BellSouth's positions in advance of such hearing. ITC^DeltaCom requests that a schedule be established for filing of testimony, exhibits, discovery requests, and responses thereto.

Section 252 (b)(4)(C) of the Telecommunications Act of 1996 requires that a state commission hear and rule on a petition for arbitration no later than 9 months after the

date on which the local exchange carrier received the request for negotiation. We must therefore hear and rule on this matter on or before August 18, 2003. Accordingly, we will rule on various procedural matters connected with this case in this Order and establish an Arbitration Plan.

The Arbitration Hearing in this Docket shall begin at **2:30 P.M. on Tuesday, July 1, 2003**, in the Commission Hearing Room.

The Commission hereby orders that twenty-five (25) copies of the direct testimony and exhibits of ITC^DeltaCom shall be prefiled on or before **June 3, 2003**. Further, twenty-five (25) copies of the direct testimony and exhibits of BellSouth shall be prefiled on or before **June 17, 2003**.

ITC^DeltaCom shall prefile any rebuttal testimony and exhibits on or before **June 24, 2003**. Further, BellSouth shall prefile any surrebuttal testimony and exhibits on or before **June 27, 2003**. It should be noted that acceptance of surrebuttal testimony and exhibits is subject to the discretion of the Commission.

The Parties shall file pre-hearing briefs with the Commission on or before **June 24, 2003**.

The parties shall serve the other parties with copies of all prefiled testimony and exhibits as well as with copies of the pre-hearing briefs. **Service on the parties and the Commission of the prefiled testimony and exhibits and the pre-hearing briefs shall be made by the close of business on the dates herein specified with such prefiled testimony and exhibits and pre-hearing briefs being delivered to the Commission and the opposing party by the close of business on the dates herein specified. If**

actual, physical service cannot be accomplished on the dates indicated herein, service may be accomplished by facsimile transmission or e-mail transmission of the prefiled testimony and exhibits and pre-hearing briefs by the close of business on the dates specified, with over-night delivery to follow.

All parties are reminded that all witnesses must be present during the hearing in this matter at the call of the Chairman, or the Commission may decline to allow the witnesses' testimony to be read into the record of the proceeding and/or may decline to allow the witnesses' exhibits to be entered into the evidence of the case.

Opening statements of the parties and any participants will be allowed at the beginning of the hearing. Closing statements of the parties and any participants will be allowed at the conclusion of the hearing.

Direct testimony and exhibits, as well as rebuttal and surrebuttal testimony and exhibits, of the parties' witnesses shall be presented to the Arbitrator in a panel format, with all witnesses being sworn in concurrently. Examination of witnesses will proceed issue by issue, with all witnesses on an issue being examined by both parties before proceeding to the next issue. Examination of the witnesses shall be conducted by attorneys for the Parties. The examination may be directed to specific witnesses or to the entire panel of witnesses. Responses by other witnesses, other than the witness or witnesses to whom the question is directed, may be allowed at the discretion of the Chairman.

Please note that any party requesting modification of this schedule must file a request for such modification with the Commission.


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This Order shall remain in full force and effect until further Order of the Commission.


BY ORDER OF THE COMMISSION:



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Mignon L. Clyburn, Chairman

ATTEST:



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Gary E. Walsh, Executive Director

(SEAL)